



CRS Report for Congress

Section 1206 of the National Defense Authorization Act for FY2006: A Fact Sheet on Department of Defense Authority to Train and Equip Foreign Military Forces

Nina M. Serafino
Specialist in International Security Affairs
Foreign Affairs, Defense, and Trade Division

Summary

Section 1206 of the National Defense Authorization Act (NDAA) for Fiscal Year 2006 provides the Secretary of Defense with authority to train and equip foreign military and foreign maritime security forces. Funds may be obligated only with the concurrence of the Secretary of State. Thus far, the Department of Defense (DOD) has used Section 1206 authority primarily to provide counterterrorism support. Section 1206 obligations totaled some \$100 million in FY2006, \$279 million in FY2007, and \$293 million in FY2008. DOD values this authority as an important tool to train and equip military partners. This authority expires in FY2011.

Section 1206 of the FY2006 NDAA (P.L. 109-163), as amended, provides the Secretary of Defense with a new authority to train and equip foreign military forces and foreign maritime security forces. This is the first major DOD authority to be used expressly for the purpose of training the national military forces of foreign countries. Generally, DOD has trained and equipped foreign military forces through State Department programs. The Bush Administration requested this “Global Train and Equip” authority because DOD viewed the planning and implementation processes under which similar State Department security assistance is provided as too slow and cumbersome.¹

¹ State Department programs under which foreign military forces are trained are the International Military Education and Training (IMET) and the Expanded IMET (E-IMET) programs. Equipment is provided to foreign governments through the State Department Foreign Military Sales/Foreign Military Financing (FMS/FMF) programs. According to DOD, this “traditional security assistance takes three to four years from concept to execution,” while “Global Train and Equip authority allows a response to emergent threats or opportunities in six months or less.” U.S. Department of Defense, *Fiscal Year 2009 Budget Request Summary Justification*, February 4, 2008, p. 103. Hereafter referred to as *FY2009 DOD Summary Justification*.

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Section 1206 provides the Secretary of Defense with authority to train and equip foreign military forces for two purposes. One is to enable foreign military forces, as well as foreign maritime security forces, to perform counterterrorism (CT) operations. Nearly all Section 1206 assistance to date has been CT training and equipment (T&E). Most T&E has been provided by contractors, according to DOD officials. The other purpose is to enable foreign military forces to participate in or to support military and stability operations in which U.S. armed forces are participating. (DOD does not use Section 1206 authority for operations in Iraq and Afghanistan, however, according to DOD officials.)

In action on the Duncan Hunter NDAA for FY2009 (P.L. 110-417), Congress rejected the Administration's 2008 request to make Section 1206 authority permanent law under Title 10 (Armed Services) of the United States Code. Instead, it extended the temporary authority for three years (i.e., through FY2011). In 2007 and 2008, Congress turned down Administration requests to extend Section 1206 authority to foreign police and security forces (including, in 2008, gendarmerie, constabulary, internal defense, infrastructure protection, civil defense, homeland defense, coast guard, border protection, and counterterrorism forces). Nevertheless, the FY2009 Duncan Hunter NDAA did expand Section 1206 authority to include a category not specifically mentioned in the 2008 Administration request (i.e., maritime security forces).

Funding Provisions and Annual Obligations. Section 1206 of the FY2006 NDAA authorized the Secretary of Defense to transfer up to \$200 million per year for FY2006 and FY2007. Section 1206 of the John Warner NDAA for FY2007 (P.L. 109-364) amended the original legislation to raise the authorized amount to \$300 million and extend the authority through FY2008. (Section 1206 programs are funded from the DOD operations and maintenance account. During the first two years of the program, DOD transferred funds from lower-priority missions to fund activities under Section 1206, according to the Office of the Secretary of Defense/Policy [OSD/P]. For FY2008, Congress appropriated \$300 million for Section 1206 in the Consolidated Appropriations Act of 2008 [P.L. 110-161].) In its 2008 request for permanent Section 1206 authority, the Administration requested that spending authority be increased to \$750 million, but in its FY2009 budget request asked for \$500 million in spending authority for that year. Instead, in the FY2009 Duncan Hunter NDAA, Congress increased the authorized amount to \$350 million. In the same bill, Congress also provided authority for funds to be used in consecutive fiscal years (i.e., funds made available for a program begun in one fiscal year may also be used for that program in the next fiscal year). The table below provides data on Section 1206 FY2006-FY2008 programs. Total program obligations for \$100.1 million in FY2006, \$279.5 million in FY2007, and \$293.4 million in FY2008.

Conditions. Section 1206 of the FY2006 NDAA requires that programs conducted under its authority observe and respect human rights, fundamental freedoms, and the "legitimate civilian authority within that country." The authority may not be used to provide any *type* of assistance that is otherwise prohibited by any provision of law. It also may not be used to provide assistance to any *country* that is otherwise prohibited from receiving such assistance under any other provision of law. The legislation also requires a 15-day advance notification to the congressional defense, foreign affairs, and appropriations committees before initiating each program. This notification must specify, among other things, the program country, budget, and completion date, as well as the source and planned expenditure of funds.

Joint DOD-State Department Approval Process. As modified by the FY2007 John Warner NDAA, Section 1206 authority permits the Secretary of Defense to provide such support with the “concurrence” of the Secretary of State. According to DOD and State Department officials, that term has been interpreted to mean the Secretary of State’s approval. Section 1206 requires both secretaries to jointly formulate any program and coordinate in its implementation. Their respective agencies have developed an extensive joint review process that some officials see as a potential model for other assistance programs. Section 1206 programs are developed under a “dual-key” authority (i.e., with the approval of both DOD and Department of State officials). U.S. embassies and the military combatant commands are encouraged to jointly formulate programs. Both parties “must approve each program explicitly in writing”² before the proposal is submitted to DOD and State Department staff in Washington, D.C., for their concurrence and, ultimately, the approval of the Secretaries of Defense and State.³

Table 1. Section 1206 Funding: FY2006 and FY2007 Obligations and FY2008 Notifications
(\$ U.S. millions, current)

Recipient	Program	FY2006	FY2007	FY2008	Totals
General					
Defense Institute of International Legal Studies	Human Rights/ Respect for Civilian Authority Training	—	—	0.6	0.6
AFRICA					
Chad	Light Infantry Rapid Reaction Force Establishment	—	6.0	—	8.0
	Tactical Airlift Capacity Training	—	1.7	—	
	Tactical Communications Interoperability Aid	—	0.3	—	
Djibouti	Maritime Domain Awareness (MDA), Response, Interdiction, and Coastal Security Enhancement	—	8.0	—	13.1
	CT Communications Package	—	—	5.1	
Ethiopia	CT Communications and Combat Engineering Capability	—	—	13.3	17.7
	Night Vision Capability Package	—	—	4.4	
Kenya	Border Security Initiative	—	—	4.1	11.1
	Border and Coastal Security Enhancement	—	—	7.0	
Mauritania	Light Infantry Rapid Reaction Force Establishment		4.5	—	4.5
Tunisia	Suppressing Trans-Border Terrorist Activity	—	—	10.0	10.0

² FY2009 DOD Summary Justification, p. 103.

³ E-mail from the OSD/P, May 20, 2007.

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Recipient	Program	FY2006	FY2007	FY2008	Totals
Chad, Mauritania, Nigeria and Senegal	Civil-Military Operations Training in Support of the TransSahara CT Program	—	3.4	—	3.4
Djibouti, Ethiopia, Kenya, Tanzania	East Africa Regional Security Initiative	—	14.2	—	14.2
Nigeria and Sao Tome and Principe	Gulf of Guinea Regional Maritime Awareness Capability Aid	6.8	—	—	6.8
Chad and Nigeria	Multinational Information-sharing Network Aid	6.2	—	—	6.2
Algeria, Niger, Chad, Morocco, Senegal, Mauritania, Nigeria, and Mali	Partner Nation Intelligence Capability Aid	—	1.1	—	1.1
Algeria, Benin, Cameroon, Cape Verde, Republic of the Congo, Gabon, Ghana, Gambia, Guinea, Liberia, Morocco, Mozambique, Senegal, Sierra Leone, and Sao Tome and Principe	MDA and Territorial Water Threat Response Capability Establishment	—	5.7	—	5.7
Benin, Cameroon, Cape Verde, Gabon, Ghana, Sao Tome & Principe, Senegal, Togo	West and Central Africa Maritime Equipment Package	—	—	11.5	11.5
Cameroon, Gabon, Guinea, Senegal, Sierra Leone	Maritime Security Capability Enhancement	—	—	12.5	12.5
Total Africa		13.0	44.9	67.9	125.8
GREATER EUROPE					
Albania	CT Capability Aid	—	6.7	—	12.2
	Maritime Coastal Patrol CT Capability Enhancement	—	—	5.5	
Georgia	CT Capability Aid	—	6.5	—	17.9
	Special Forces T&E	—	—	11.4	
Macedonia	CT Capability Aid	—	3.0	—	3.0
Ukraine	CT Capability Aid	—	12.0	—	12.0
Total Greater Europe		—	28.2	26.9	45.1
ASIA AND THE PACIFIC (Including Central Asia)					
Indonesia	Integrated Maritime Surveillance System	18.4	—	—	57.4
	Eastern Fleet Regional Command Center (FY07)/ MDA (FY08)	—	3.8	7.3	
	Celebes Sea and Malacca Strait Network	—	6.1	—	
	Coastal Surveillance Stations	—	11.5	4.3	

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Recipient	Program	FY2006	FY2007	FY2008	Totals
	Western Fleet Command and Control (C2) Center and HQ	—	—	2.0	
	Command, Control, Communications and Computers (C4) Surveillance and Reconnaissance	—	—	4.0	
Kazakhstan	Coalition CT and Stability Operations Capacity Aid	—	19.3	—	31.8
	Caspian Security	—	—	12.5	
Kyrgyzstan	Increasing Armed Forces CT Capabilities	—	—	12.0	12.0
Malaysia	Eastern Sabah MDARadars	—	13.6	—	43.9
	Strait of Malacca MDA Support	—	2.2	—	
	MDA Package	—	—	11.5	
	CENTRIX Stations	—	0.5	—	
	C2 Center for Joint Forces Sabah HQ	—	—	7.1	
	Maritime Interdiction Package	—	—	9.0	
Philippines	Maritime T&E for Interdiction Purposes	—	2.9	—	32.4
	Coast Watch South High Frequency Radios (FY07)/ Radars for Sulu Archipelago (FY08)	—	1.8	11.1	
	Maritime Interdiction Capability	—	6.4	—	
	Interdiction and Offensive Capabilities Improvement (of UH-1 Huey helicopters)	—	4.4	—	
	Border Control Interdiction	—	—	5.8	
Sri Lanka	Maritime Security T&E for Interdiction Purposes	10.9	—	—	18.3
	Aircraft C2 Integration	—	6.0	—	
	Maritime Security and Navy Interdiction Capability	—	1.4	—	
Total Asia and the Pacific		29.3	79.9	86.6	195.8
MIDDLE EAST AND SOUTH/SOUTHWESTERN ASIA					
Azerbaijan	Naval Commando CT Training	—	—	1.7	1.7
Bahrain	Patrol Boats	5.3	—	—	34.1
	Coastal Patrol Capability Development	—	24.5	—	
	Defense Force Counterintelligence Analysis Center Development	—	0.04	—	

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Recipient	Program	FY2006	FY2007	FY2008	Totals
	Defense Force Special Operations T&E	—	—	4.3	
Bangladesh	Maritime Patrol and Interdiction Initiative	—	—	7.2	7.2
Lebanon	Military Assistance to Lebanese Armed Forces	10.5	30.6	—	61.7
	Special Operations Forces T&E	—	—	7.2	
	Secure Communications for Special Operations Forces	—	—	9.2	
	Logistics Support System	—	—	4.2	
Pakistan	Border Area T&E/ Marines T&E	23.3	5.7	—	92.9
	Enhance Shared MDA and Cooperative Maritime Security Aid	—	8.1	—	
	Helicopter CT Capability	—	—	20.9	
	Special Services Group COIN Kick Start Initiative	—	—	17.9	
	Mi-17 Support to 21 st QRS (?)	—	—	17.0	
Yemen	Cross Border Security and CT Aid	4.3	—	—	30.3
	Yemeni Special Operations Capacity Development to enhance border security	—	26.0	—	
Total Middle East and South Asia		43.4	94.9	89.6	227.9
WESTERN HEMISPHERE					
Mexico	CT Capabilities (FY07)/ CT Capability Package (FY08)	—	1.0	12.9	13.9
Dominican Republic and Panama	Joint Maritime CT Capability Aid	14.4	—	—	14.4
Bahamas, Dominican Republic, Honduras, Jamaica, and Nicaragua	Caribbean Basin Maritime Security Aid (radios and boats)	—	23.3	—	23.3
Bahamas, Belize, Dominican Republic, Honduras, Jamaica, and Panama	Caribbean Basin Capability Enhancements	—	—	12.0	12.0
Belize, Guyana, Honduras, and Suriname	CT Unit T&E for participation in Operation Enduring Freedom	—	—	13.8	13.8
Total Western Hemisphere		14.4	24.3	38.7	77.4
Totals		100.1	279.5	293.4	673.0

Source: Office of the Secretary of Defense. FY2006-FY2007 figures verified May 2008. FY2008 figures made available November 24, 2008.

Note: Totals may not add due to rounding.